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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,900	10/31/2003	Richard Ortiz	200312283-1	2628

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
2111	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 13 is objected to because of the following informalities: in claim 13, line 5-6, "said

power management events ignores said power management events..." should probably read

"said power management events **filter** ignores said power management events...". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

2.   Claims 1,2,4-8,10-16, and 18-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Felsman, U.S. Pat. No. 6,950,952 B2.

As per claim 1, Felsman shows a method for providing protected swapping of a

peripheral component in a computer system comprising: determining a position of a first

mechanical retention latch (fig.4,(410)), said first mechanical retention latch having an open

position and a closed position and configured to communicatively couple to a computer

expansion card slot; provided said first mechanical retention latch is in said open position,

ignoring all power management events including preventing said computer system from

powering up (440, wherein when the mechanical off state is applied when the latch is in the

open position, power is cut and therefore there will be no recognition of any sort of power

management events in this state. However, when the latch is then put into the closed position

after insertion of the card, then the system will power up, see col.6, lines 8-29); and provided

said first mechanical retention latch is in said closed position, allowing said computer system to

accept power management events (460, see above). Felsman shows all of the steps recited in

claim 1.

As for claim 2, the argument for claim 1 applies. Felsman also shows that said position is

determined from said first mechanical retention latch configured to communicatively couple to a

peripheral component interconnect slot (col.3, line 59-col.4, line 7 and wherein the slots involved

in Felsman are cPCI). Felsman shows all of the steps recited in claim 2.

As for claim 4, the argument for claim 1 applies. Felsman also shows powering down

said computer system to a sleep mode before determining a position of said first mechanical

retention latch (fig.4). Felsman shows all of the steps recited in claim 4.

As for claim 5, the argument for claim 1 applies. Felsman also shows hot swapping an

expansion card from said expansion card slot and determining said position of said first

mechanical retention latch (col.5, lines 22-32). Felsman shows all of the steps recited in claim 5.

As for claim 6, the argument for claim 1 applies. Felsman also shows determining a

position of a second mechanical retention latch wherein provided said first or said second

mechanical retention latch are in said open position, ignoring said power management events

(cols. 3-4 and 5-6 as above). Felsman shows all of the steps recited in claim 6.

As for claim 7, the argument for claim 6 applies. Felsman also shows that said power

management events include powering up said computer system from a sleep mode (fig.4).

Felsman shows all of the steps recited in claim 7.

As per claim 8, Felsman shows a system for managing power in a computer system

comprising: a mechanical retention latch (230) having an open position and a closed position

configured to physically retain an expansion card in an expansion card slot; a position sensor for determining if said mechanical retention latch is in said open position or in said closed position (cols. 3-4 and 6 as above); and a power management events filter for ignoring power management events based on said position of said mechanical retention latch wherein if said mechanical retention latch is in said open position, said power management events filter ignores said power management events to prevent powering up said computer system (cols. 3-4 and 5-6 and fig.4 as above). Felsman shows all of the elements recited in claim 8.

As for claim 10, the argument for claim 8 applies. Felsman also shows that said mechanical retention latch is coupled to a peripheral component interconnect card slot (col.3, line 59-col.4, line 7 and wherein the slots involved in Felsman are cPCI). Felsman shows all of the elements recited in claim 10.

As for claim 11, the argument for claim 10 applies. Felsman also shows that said mechanical retention latch is configured to automatically close when a peripheral component interconnect card is fully inserted in said peripheral component interconnect card slot (col.5, lines 29-31). Felsman shows all of the elements recited in claim 11.

As for claim 12, the argument for claim 8 applies. Felsman also shows that provided said mechanical retention latch is in said closed position, said power management module allows said computer system to accept power management events (fig.4). Felsman shows all of the elements recited in claim 12.

As for claim 13, the argument for claim 8 applies. Felsman also shows a plurality of mechanical retention latches and a plurality of corresponding position sensors configured such that provided one of said plurality of mechanical retention latches is in said open position, said power management events filter ignores said power management events to prevent powering up said computer system (fig.2,(230)). Felsman shows all of the elements recited in claim 13.

As for claim 14, the argument for claim 13 applies. Felsman also shows that said

computer system is prevented from powering up from a sleep mode (fig.4). Felsman shows all

of the elements recited in claim 14.

As per claim 15, Felsman shows a computer readable medium comprising executable

instructions which, when executed in a processing system, causes the system to perform a

method of controlling power management events comprising: receiving data corresponding to

the position of a mechanical retention latch having an open position and a closed position; and

provided said mechanical retention latch is in said open position, ignoring power management

events and preventing said processing system from accepting power management events

(fig.4). Felsman shows all of the elements recited in claim 15.

As for claim 16, the argument for claim 15 applies. Felsman also shows that said

position is determined from said mechanical retention latch configured to communicatively

couple to a peripheral component interconnect slot (col.3, line 59-col.4, line 7 and wherein the

slots involved in Felsman are cPCI). Felsman shows all of the elements recited in claim 16.

As for claim 18, the argument for claim 15 applies. Felsman also shows that said method

is executed while said processing system is in a sleep mode (fig.4). Felsman shows all of the

elements recited in claim 18.

As for claim 19, the argument for claim 15 applies. Felsman also shows that said method

is executed while hot swapping a component of said processing system (col.5, lines 22-32).

Felsman shows all of the elements recited in claim 19.

As for claim 20, the argument for claim 15 applies. Felsman also shows that said method

further comprises: receiving data corresponding to a plurality of mechanical retention latches

provided one of said plurality of mechanical retention latches is in said open position, ignoring

power management events and preventing said processing system from powering up (cols. 3-4

and 5-6as above). Felsman shows all of the elements recited in claim 20.

As for claim 21, the argument for claim 20 applies. Felsman also shows that said power

management events include powering up said computer system from a sleep mode (fig.4).

Felsman shows all of the elements recited in claim 21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3,9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Felsman in view of Grosser et al., U.S. Pat. No. 6,182,173 B1.

As for claims 3,9, and 17, the arguments above for claims 1,8, and 15, respectively,

apply. Felsman does not specifically show receiving data from an optical device

communicatively coupled to said first mechanical retention latch for determining said position of

said first mechanical retention latch. Felsman does show mechanical latches 230 and detecting

the position of those latches. Grosser shows the use of an optical switch used to detect the

position of a mechanical tab mechanism to determine whether it is in an open or closed position

(abstract and claim 2). It would have been obvious to one of ordinary skill in the art at the time of

the invention to use an optical switch as shown by Grosser in the system of Felsman in order to

provide a fast and reliable switch/detector system.

Response to Arguments

6.　　Applicant's arguments filed 10 March 2006 have been fully considered but they are not

persuasive. With respect to the rejection of the claims under 35 USC §102(e), applicant argues

that Felsman does not show ignoring all power management events as claimed. However, it is

noted that in Felsman when the latch is in the open position and the system has been placed in

the mechanical off state as shown in fig. 4 and col.6, the system will necessarily ignore power

management events because the system is off and the latch is in the open state. Once the latch

is switched to the closed state then power management events can be processed and the

system can be powered back on. This appears to be exactly the same thing that applicant's

invention is doing.

Conclusion

7.　　**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

　　A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

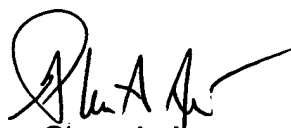the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date

of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The

examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenn A. Auve
Primary Examiner
Art Unit 2111

gaa
18 April 2006